UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 December 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to a reply submitted 12/27/2007. Claims 1-20 are presented for

examination. After careful consideration of Applicant's arguments, the rejections of claims 1-20

are maintained as set forth in detail below.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 1-6, 10-16, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable

by Lupien et al., U.S. Patent Num: 6,012,046 (PTO-892 reference A) in view of Alsberg et al.,

US Publication Number; 2001/0032162 A1 (PTO-892 reference B).

3.   As per claim 1 or 11 or 12, Lupien et al. teaches a system for generating a display of at

least one side of a market, the system comprising a computer system having one or more

computers and operable to:

generate a display of the received market data, the display comprising a price

axis, a quantity axis (see column 6, lines 48-50 and column7, lines 29-40 and Fig. 2-3 and 6),

and one or more offer bars, each offer bar representing one or more offers comprising

substantially equal offered prices, placement of an offer bar along the price axis (see column 7,

lines 3-35) representing the substantially equal offered prices for the one or more offers

represented by the offer bar, height of an offer bar relative to the quantity axis representing an

aggregate offered quantity for the one or more offers represented by the offer bar (see Fig. 2-3, 6,

10);

access an average price specified by a user (see abstract);

calculate an offered quantity (see column 12, lines 7-13) available at the specified

average price based on the received market data (see Fig. 2 and column 6, lines 66-67 and

column 7, lines 1-5); and

Lupien et al. does not teach:

receive market data reflecting the one or more offers, from one or more market

participants, each offer comprising at least an offered price and an offered quantity;

indicate the calculated offered quantity within the display of the received

market data.

Alsberg et al. teaches:

receive market data reflecting the one or more offers, from one or more market

participants, each offer comprising at least an offered price and an offered quantity (see Fig. 1

and 3; ¶ 0096);

indicate the calculated offered quantity within the display of the received

market data (¶ 0174; Fig. 23).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time

the invention was made to add receive market data reflecting the one or more offers, from one or

more market participants, each offer comprising at least an offered price and an offered quantity

and indicate the calculated offered quantity within the display of the received market data feature

to the system of Lupien et al. because Alsberg et al. teaches that the feature helps to generate

accurate real-time valuable marketplace information (¶ 0002).

4.   As per claim 2, Lupien et al. and Alsberg et al. teach the system of Claim 1 described

above. Lupien et al. further teaches wherein the indication of the calculated offered quantity

comprises a line placed along the quantity axis at the calculated offered quantity (see Fig. 2-3

and 6).

5.   As per claim 3, Lupien et al. and Alsberg et al. teach the system of Claim 1 described

above. Lupien et al. further teaches wherein:

        the computer system is further operable to indicate the specified average price (see Fig. 2

and column 6, lines 65-67) in addition to the calculated offered quantity (see column 12, lines

10-13) ; and

        the display of the specified average price comprises a line placed along the

price axis at the specified average price (see Fig. 2-3 and 6).

6.   As per claim 4, Lupien et al. and Alsberg et al. teach the system of Claim 1, wherein:

        the offers comprise asks (see column 2, lines 5-9);

        the market participants comprise sellers (see column 2, lines 5-6);

        offered prices comprise ask prices (see column 2, lines 5-27 and abstract);

        offered quantities comprise ask quantities (see column 2, lines 5-27 and abstract).;

        the offer bars comprise ask bars (see Fig. 9A and column 12, lines 24-32);

        the specified average price comprises an average buy price (see column 7, lines 42-47);

and

the calculated offered quantity comprises a quantity available at the specified average buy

price (see column 6, lines 66-67, column 19, lines 55-67 and Fig. 2).

7.   As per claim 5, Lupien et al. and Alsberg et al. teach the system of Claim 1 described

above. Lupien et al. further teaches wherein the computer system is further operable to:

        access a quantity specified by the user (see Fig 2 and column 6, lines 66-67).;

        calculate an average offered price at which the specified quantity is available

based on the market data (see column 19, lines 53-67, Fig. 2-3, and 6); and

        indicate the calculated average offered price within the display of the received

market data (see column 2, lines 20-25).

8.   As per claim 6, Lupien et al. and Alsberg et al. teach the system of Claim 1 described

above. Lupien et al. further teaches wherein the computer system is further operable to:

        receive new market data reflecting one or more changes in the one or more offers (see

abstract and column 2, lines 18-33); and

        in response to receiving the new market data, update the display of the market data (see

column 7, lines 55-58).

9.   As per claim 10, Lupien et al. and Alsberg et al. teach a method for generating a display

of at least one side of a market, the displayed side of the market comprising one or more offers

from one or more market participants, each offer comprising at least an offered price and an

offered quantity,

the method comprising:

        receiving market data reflecting the one or more offers (see Figs. 2 and 6);

generating a display of the received market data, the display comprising a price axis, a quantity

axis (see column7, lines 29-40 and Fig. 2-3 and 6), and one or more offer bars, each offer bar

representing one or more offers comprising substantially equal offered prices (see column 7,

lines 3-35), placement of an offer bar along the price axis representing the substantially equal

offered prices for one or more offers represented by the offer bar, height of an offer bar relative

to the quantity axis representing an aggregate offered quantity for the one or more offers

represented by the offer bar (see column 7, lines 3-35 and Figs. 2, 6-7);

accessing an average price specified by a user (see abstract);

calculating an offered quantity (see column 12, lines 7-13) available at the specified

average offered price based on the received market data (see Fig. 2 and column 6, lines 66-67

and column 7, lines 1-5); and

indicating the calculated offered quantity within the display of the received

market data (see column 12, lines 7-14).

10.   As per claim 13, Lupien teaches a system for generating a display of at least one side of a

market, the system comprising a computer system having one or more computers and operable

to:

generate a display of the received market data, the display comprising a price axis, a

quantity axis (see column 7, lines 3-35) , and one or more ask bars, each ask bar representing one

or more asks comprising substantially equal ask prices, placement of an ask bar along the price

axis representing the substantially equal ask prices for the one or more asks represented by the

ask bar, height of an ask bar relative to the quantity axis representing an aggregate ask quantity

for the one or more asks represented by the ask bar (see column 7, lines 3-35 and Figs. 2, 6-7);

access an average buy price specified by a user (see abstract);

calculate a quantity (see column 12, lines 7-13) available at the average buy price based

on the received market data (see Fig.2 and column 6, lines 66-67 and column 7, lines 1-5);

indicate the specified average buy price within the display of the received market data,

the indication of the specified average buy price comprising a line placed along the price axis at

the specified average price (see Fig. 2 and column 6, lines 66-67 and column 7, lines 1-45);

indicate the calculated quantity within the display of the received market data, the

indication of the calculated quantity comprising a line placed along the quantity axis at the

calculated offered quantity (see Fig.2, column 7, lines 1-45, and column 12, lines 1-13);.

access a quantity specified by the user (see abstract);

calculate an average buy price at which the specified quantity is available

based on the market data (see column 12, lines 1-14);

the indication of the specified quantity comprising a line placed along the quantity

axis at the specified quantity (see Figs. 2-3 and 6-7);

indicate the calculated average buy price within the display of the received

market data, the indication of the calculated average buy price comprising a line

placed along the price axis at the calculated average buy price (see Figs. 2-3 and 6-7);

receive new market data reflecting one or more changes in the one or more asks (see

column 2, lines 1-30 and column 7, lines 30-62); and

in response to receiving the new market data, update the display of the market data (see

column 7, lines 55-60).

Lupien et al. does not teach:

receive market data reflecting the one or more asks, from one or more market

participants, each ask comprising at least an ask price and an ask quantity;

indicate the specified quantity within the display of the received market data.

Alsberg et al. teaches:

receive market data reflecting the one or more asks, from one or more market

participants, each ask comprising at least an offered price and an ask quantity (see Fig. 1 and 3; ¶

0096);

indicate the specified quantity within the display of the received market data (¶ 0174; Fig.

23).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time

the invention was made to add receive market data reflecting the one or more asks, from one or

more market participants, each ask comprising at least an ask price and an ask quantity and

indicate the specified quantity within the display of the received market data feature to the

system of Lupien et al. because Alsberg et al. teaches that the feature helps to generate accurate

real-time valuable marketplace information (¶ 0002).

11.   As per claim 14, Lupien et al. teaches a system for generating a display of at least one

side of a market, the displayed side of the market comprising one or more offers from one or

more market participants, each offer comprising at least an offered price and an offered quantity,

the system comprising a computer system having one or more computers and operable to:

generate a display of the received market data, the display comprising a price

axis, a quantity axis, a first price curve comprising a plot of average offered price as a

function of quantity alone, and a second price curve comprising a plot of average offered price as

a function of quantity and an approved market participant list for a user, there being an area

separating at least certain portions of the first price curve from certain portions of the second

price curve, there generally being higher average offered prices associated with the first price

curve and lower average offered prices associated with the second price curve (see Fig. 2-3, 6-

10);

> access a quantity specified by the user (see abstract and column 6, lines 40-67);

> calculate a first average offered price (see column 2, lines 49-67) and a second average

offered price (see abstract and column 12, lines 1-15).

> first average offered price comprising a price at which the specified quantity is

available independent of the approved market participant list (see column 2, lines 49-67, where

"anonymous" is equivalent of 'independent of the approved market participant list"), the second

average offered price comprising a price at which the specified quantity is available taking into

account the approved market participant list (see abstract and column 12, lines 1-15), the first

calculated average offered price being less than or equal to the second calculated average offered

price (see column 19, lines 54-59); and

> indicate the first and second calculated average prices within the display of the

received market data (see column 7, lines 30-62).

Lupien et al. does not teach:

> receive market data reflecting the one or more offers, from one or more market

participants, each offer comprising at least an offered price and an offered quantity;

Alsberg et al. teaches:

receive market data reflecting the one or more offers, from one or more market participants, each offer comprising at least an offered price and an offered quantity (see Fig. 1 and 3; ¶ 0096);

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add receive market data reflecting the one or more offers, from one or more market participants, each offer comprising at least an offered price and an offered quantity feature to the system of Lupien et al. because Alsberg et al. teaches that the feature helps to generate accurate real-time valuable marketplace information (¶ 0002).

12.   As claim 15, Lupien et al. and Alsberg et al. teach the system of Claim 14 described above. Lupien et al further teaches wherein the indication of the first and second calculated average offered prices comprises a line placed along the quantity axis at the specified quantity, the line intersecting the first price curve at the first calculated average offered price, the line intersecting the second price curve at the second calculated average offered price (see Figs. 2-3 and 6-7).

13.   As per claim 16 Lupien et al. and Alsberg et al. teach the system of Claim 14 described above. Lupien further teaches wherein:

the offers comprise asks (see column 2, lines 5-9);

the market participants comprise sellers (see column 2, lines 5-6);

offered prices comprise ask prices (see column 2, lines 5-27 and abstract);

offered quantities comprise ask quantities (see column 2, lines 5-27 and abstract);

the approved market participant list comprises an approved seller list; and

the calculated first and second average offered prices each comprise an average buy price

at which the specified quantity is available (see Fig. 2, column 2, lines 66-67 and column 6, lines

48-50).

14.   As per claim 19, Lupien et al. teaches a method for generating a display of at least one

side of a market the method comprising:

receiving market data reflecting the one or more offers (see Figs. 2, 6).

generating a display of the received market data, the display comprising a price axis, a

quantity axis, a first price curve comprising a plot of average offered

price as a function of quantity alone, and a second price curve comprising a plot of

average offered price as a function of quantity and an approved market participant list

for a user, there being an area separating at least certain portions of the first price

curve from certain portions of the second price curve, there generally being higher

average offered prices associated with the first price curve and lower average offered

prices associated with the second price curve (see Figs. 2-3 and 6-10);

accessing a quantity specified by the user (see column 6, lines 40-67 and abstract);

calculating a first average offered price (see column 2, lines 49-67) and a second average

offered price (see abstract and column 12, lines 1-15),

first average offered price comprising a price at which the specified quantity is

available independent of the approved market participant list (see column 2, lines 49-67, where

"anonymous" is equivalent of "independent of the approved market participant list"), the second

average offered price comprising a price at which the specified quantity is available taking

into account the approved market participant list (see abstract and column 12, lines 1-15), the

first calculated average offered price being less than or equal to the second calculated average

offered price (see column 19, lines 54-59); and

indicating the first and second calculated average offered prices within the

display of the received market data (see column 7, lines 30-62).

Lupien et al. does not teach:

receive market data reflecting one or more offers, from one or more market participants,

each offer comprising at least an offered price and an offered quantity;

Alsberg et al. teaches:

receive market data reflecting one or more offers, from one or more market participants,

each offer comprising at least an offered price and an offered quantity (see Fig. 1 and 3; ¶ 0096);

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time

the invention was made to add receive market data reflecting one or more offers, from one or

more market participants, each offer comprising at least an offered price and an offered quantity

feature to the system of Lupien et al. because Alsberg et al. teaches that the feature helps to

generate accurate real-time valuable marketplace information (¶ 0002).

15.   As per claim 20, Lupien teaches a software for generating a display of at least one side of

a market, the software embodied in a computer-readable medium and when executed operable

 to:

generate a display of the received market data, the display comprising a price

axis, a quantity axis, a first price curve comprising a plot of average offered price as a

function of quantity alone, and a second price curve comprising a plot of average offered price as

a function of quantity and an approved market participant list for a user, there being an area

separating at least certain portions of the first price curve from certain portions of the second

price curve, there generally being higher average offered prices associated with the first price

curve and lower average offered prices associated with the second price curve (see Figs. 2-3 and

6-10);

      access a quantity specified by the user (see column 6, lines 40-67 and abstract);

      calculate a first average offered price (see column 2, lines 49-67) and a second average

offered price (see abstract and column 12, lines 1-15), the first average offered price comprising

a price at which the specified quantity is available independent of the approved market

participant list (see column 2, lines 49-67, where "anonymous" is equivalent of "independent of

the approved market participant list"), the second average offered price comprising a price at

which the specified quantity is available taking into account the approved market participant list

(see abstract and column 12, lines 1-15), the first calculated average offered price being less than

or equal to the second calculated average offered price (see column 19, lines 54-59); and

      indicate the first and second calculated average offered prices within the

display of the received market data (see column 7, lines 30-62).

Lupien et al. does not teach:

      receive market data reflecting one or more offers, from one or more market participants,

each offer comprising at least an offered price and an offered quantity;

Alsberg et al. teaches:

receive market data reflecting one or more offers, from one or more market participants,

each offer comprising at least an offered price and an offered quantity (see Fig. 1 and 3; ¶ 0096);

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time

the invention was made to add receive market data reflecting one or more offers, from one or

more market participants, each offer comprising at least an offered price and an offered quantity

feature to the system of Lupien et al. because Alsberg et al. teaches that the feature helps to

generate accurate real-time valuable marketplace information (¶ 0002).

16.   Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lupien et al., U.S.

Patent No.: 6,012,046 (see PTO-892 reference A) in view of Alsberg et al., US Publication

Number: 2001/0032162A1, further in view of Official Notice (Buist, US Patent Number:

6,408,282).

17.   As per claim 7, Lupien et al. and Alsberg teach the system of claim 1 described above.

Lupien further teaches wherein the computer system is further operable to:

calculate the offered quantity available at the specified average price in addition to the

received market data (see Fig.2 and column 6, lines 66-67 and column 7, lines 1-5).

Lupien does not teaches the following:

access an approved market participant list;

adjust the heights of one or more offer bars to reflect one or more market participants

being excluded from the approved market participant list; and

based on the approved market participant list.

Official Notice is taken that access seller/participant list and adjust offer is old and well

established in the business of market information as a convenient way for buyer or seller or

participant to obtain updated market information. It would have been obvious to one having

ordinary skill in the art at the time of the invention to have included access seller/participant list

and adjust offer to a display of market.

In support of Official Notice described above. Buist teaches access seller/participant list

(column 21, lines 17-18; Fig. 42; column 7, lines 56-column 8, line 2; column 11, lines 9-14;

column 3, lines 33-34; Fig. 40; Fig. 49; Fig. 48B) and adjust offer (column 21; column 3, lines

22-56; Figs 54, 5-6, and 25). Therefore, it would be prima fascia obvious for one of ordinary

skill in the art to add access seller/participant list feature to the method of Lupien et al. because

Buist teaches that adding the feature helps to support an improved human interface and provides

faster access to critical information (see column 2, lines 65-67 and column 3, lines 33-34).

18.   Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lupien et al.,

U.S. Patent No.: 6,012,046 in view of Alsberg et al., US Publication Number: 2001/0032162A1,

further in view of Official Notice, further in view of Buist, US Patent Number: 6,408,282 B1.

19.   As per claim 8, Lupien et al., Alsberg et al. and Official Notice teach the system of Claim

7 described above. Lupien et al. further teaches wherein:

the offers comprise asks (see column 2, lines 5-9);

the market participants comprise sellers (see column 2, lines 5-6);

offered prices comprise ask prices (see column 2, lines 5-27 and abstract);

offered quantities comprise ask quantities (see column 2, lines 5-27 and abstract);

the specified average price comprises an average buy price (see column 7, lines 42-47);

and

the calculated offered quantity comprises a quantity available at the average buy price

(see column 6, lines 66-67, column 19, lines 55-67).

Lupien does not teach:

the offer bars comprise ask bars;

the approved market participant list comprises an approved seller list;

Buist teaches:

the offer bars comprise ask bars (see Fig. 14 and column 15, lines 30-67);

the approved market participant list comprises an approved seller list (see column 3, lines

33-34; Fig. 40; Fig. 49; Fig. 48B, where "seller to notify seller's broker of authorized

transaction" is equivalent of "approved seller list").

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time

the invention was made to add market participant list and offer bars comprise ask bars features to

the system of Lupien et al. because Buist teaches that adding market participant list and offer

bars comprise ask bars features help supports an improved human interface and provides faster

access to critical information (see column 2, lines 65-67 and column 3, lines 33-34).

20.   As per claim 9, Lupien et al., Alsberg et al. and Official Notice teach the system of Claim

7 described above. Buist further teaches:

operable to divide each of the offer bars into one or more bar segments, each bar

segment corresponding to a particular offer from a particular market participant (see Fig. 13; Fig.

14 shows the "divide each of the offer bars into one or more bar segments"; Fig. 49 and column

15, lines 30-67).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time

the invention was made to add market participant list to the system of Lupien et al. because Buist

teaches that adding market participant list helps supports an improved human interface and

provides faster access to critical information (see column 2, lines 65-67 and column 3, lines 33-

34).

21.   Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lupien et

al., U.S. Patent No.: 6,012,046 in view of Alsberg et al., US Publication Number:

2001/0032162A1, further in view of Buist, US Patent Number: 6,408,282 B1.

22.   As per claim 17, Lupien et al. and Alsberg et al. teach the system of Claim 14. Lupien

further teaches wherein the computer system is further operable to:

access an average price specified by the user (see abstract and column 6, lines 66-67)

Lupien et al. does not teach:

calculate a first offered quantity and a second offered quantity, the first calculated offered

quantity comprising a quantity available at the specified average price independent of the

approved market participant list, the second calculated offered quantity comprising a quantity

available at the specified average price taking into account the approved market participant list,

the first calculated offered quantity being greater than or equal to the second calculated offered

quantity; and indicate the first and second calculated offered quantities within the display of

the received market data.

Buist teaches:

calculate a first offered quantity (see column 37, lines15-45, where "a first list of offers to

sell" is equivalent of "a first offered quantity") and a second offered quantity (see column 37,

lines 15-45, where "second list of offers to sell" is equivalent of "second offered quantity"), the

first calculated offered quantity comprising a quantity available independent of the approved

market participant list, the second calculated offered quantity comprising a quantity available

taking into account the approved market participant list (see column 3, lines 33-34 and Figs. 40,

and 49), the first calculated offered quantity being greater than or equal to the second calculated

offered quantity; and indicate the first and second calculated offered quantities within the display

of the received market data (see Fig. 14, column 37, lines 15-47 and column 38, lines 1-26).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time

the invention was made to add market participant list and the first and second calculated offered

quantities features to the system of Lupien et al. because Buist teaches that adding market

participant list and the first and second calculated offered quantities features help supports an

improved human interface and provides faster access to critical information (see column 2, lines

65-67 and column 3, lines 33-34).

23.   As per claim 18, Lupien et al. and Alsberg et al. teach the system of Claim 14 described

above. Buist further teaches wherein the computer system is further operable to:

receive new market data reflecting one or more changes in the one or more

offers (see column 2, lines 65-67 and column 3, lines 1-44).

in response to receiving the new market data, update the display of the market

data (see column 2, lines 65-67 and column 3, lines 1-44).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time

the invention was made to add receive new market data reflecting one or more changes in the

one or more offers and update display of the market data features to the system of Lupien et al.

because Buist teaches that adding receive new market data reflecting one or more changes in the

one or more offers and update display of the market data features help supports an improved

human interface and provides faster access to critical information (see column 2, lines 65-67 and

column 3, lines 33-34).

Response to Arguments

24.   Applicant's argument filed on 12/27/2007 have been fully considered but they are not

persuasive. The 103 rejections are maintained.

25.   In response to applicant's arguments, the recitation "a system for generating a display of

at least one side of a market" has not been given patentable weight because the recitation occurs

in the preamble. A preamble is generally not accorded any patentable weight where it merely

recites the purpose of a process or the intended use of a structure, and where the body of the

claim does not depend on the preamble for completeness but, instead, the process steps or

structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15

(CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

26.   In response to applicant's arguments against the references individually, one cannot show

nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re

Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

27.   In response to applicant's argument that Lupien fails to disclose "generate a display of

the received market data, the display comprising a price axis, a quantity axis, and one or more

offer bars, each offer bar representing one or more offers comprising substantially equal offered

prices, placement of an offer bar along the price axis representing by the offer bar, height of an

offer bar relative to the quantity axis representing an aggregate offered quantity for the one or

more offers represented by the offer bar". The Examiner disagrees. Lupien et al. teaches "Price

is represented on the vertical axis and quantity is represented on the horizontal axis. (The ranges

and scale of each axis can be set by the trader or automatically set by the present invention)

(column6, lines 48-50), "A Profile Dimensions section 30 of the interface window 21 allows the

trader to define the dimensions of the satisfaction density profile. A center Price parameter 32 is

used to set the price that is displayed in the center of price axis of the satisfaction profile. A

Price Range parameter 34 shows the range for the price on the price axis. A Price Interval

parameter 36 enables the trader to set the price interval (i.e., scale) on the price axis of the

satisfaction density profile. For example, as shown in Fig. 2, the center price is set at 100 and

the price range at 2. Thus the price axis will vary from a price of 99 to a price of 101 (with 100

being in the center) in price increments of one eighth. A Price parameter 37 can be used to set

whether the profile is absolute (e.g., does not vary with external parameters) or relative (e.g., is

pegged such that the profile may translate in price and/or warp in shape as a function of external

parameter, such as the bid/ask midpoint or the average price of the last match that security)

(column 7, lines 30-67 and Figs. 2-3 and 6) and "The present invention is directed to an

automated crossing network (also known as a matching system) for trading instruments, and in

particular, a continuous crossing network that matches buy and sell orders based upon a

satisfaction and size profile and that can output price discovery information" (column 1).

Therefore, Lupien disclosed the claimed limitation.

28.   The applicant argues that Lupien fails to disclose "calculate an offered quantity available

at the specified average price based on the received market data." The examiner disagrees.

Lupien teaches "calculating for each satisfaction density profile pair a mutual satisfaction

function, each mutual satisfaction function including a plurality of (price, quantity) combinations

representing a degree of mutual satisfaction for trading said quantity at said price (column 23,

lines 31-35) and "the profile may translate in price and/or warp in shape as a function of external

parameters, such as the bid/ask midpoint or the average price of the last match of that security"

(column 7, lines 42-54). Therefore, Lupien teaches the claimed limitation.

29.   In response to applicant's argument that Alsberg fails to disclose "receive market data

reflecting the one or more offers, from one or more market participants, each offer comprising at

least an offered price and an offered quantity". The Examiner disagrees. Alsberg teaches "Fig. 3

is a block diagram illustrating the components of an offer, consistent with the present invention.

In one embodiment, market-clearing systems use offers, such as offer 302 and associated data

structure 322, which correspond to buy and sell offers, such as buy offers 150 and sell offers 155

of FIG. 1. In one embodiment, an offer includes four components: a product specification 306, a

quantity specification 308, a pool specification 310, and a price specification 312. For purposes

of referencing an offer, offer 302 also includes an offer identifier such as offer ID 304. Product

specification 306, quantity specification 308, pool specification 310, and price specification 312

are further described in FIGS. 4-7" (Fig. 3 and paragraph 0096) and "In a marketplace, offers are

processed that are intended to be associated with other offers in a pool. The offers specify

conditions for acceptance. Improvable offers are received that are capable of being associated

with offers having more favorable specifications than initial offers associated with the

improvable offers. Nonimprovable offers that have more favorable specifications than initial

offers associated with improvable offers are identified. The identified nonimprovable offers are

associated with corresponding improvable offers. Straddles, which comprise a set of offers and a

limit on the associations, may span multiple pools. Information about the marketplace may be

obtained from data generated by the operation of the marketplace" (abstract). Therefore, Alsberg

disclosed the claimed limitation.

30.   In response to applicant's argument that Alsberg fails to disclose "indicate the calculated

offered quantity within the display of the received market data". The Examiner disagrees.

Alsberg teaches "If the price is not lockable, it cannot lock and the process continues for the next

advantaged offer on the list. On the other hand, if the disadvantaged price is lockable, the method

will proceed to step 1730. The advantaged offer quantity, which is the sum of all lockable

fragments, and the disadvantaged quantity are calculated considering the constraints of any

straddles of which the disadvantaged offer or the advantaged offer are members. Step 1730

determines whether the advantaged offer quantity specification is sufficient to exhaust the

available quantity associated with the disadvantaged offer. For both the advantaged offer and the

disadvantaged offer, available quantity refers to the lesser of the quantity remaining in the offer

specification and the current straddle limit of any straddle of which the offer is a member"

(paragraph 0174) and "qty min = 2 & max =8; qty=1" (Fig. 23). Therefore, Alsberg disclosed

the claimed limitation.

31.   In response to argument to claims 7-8 Official Notice, the Examiner provide

documentary evidence in the 103 rejection above. Please refer to the 103 rejection above.

32.   In respond to applicant's argument for claims 2-9 and 15-18 depend from independent

Claim 1 and Claims 15-18 depend from independent Claim 14. The dependent claims 2-9 and

15-18 are not allowable for at least the reason of depending from a not allowable claim.

Conclusion

33.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Marissa Liu whose telephone number is 571-270-1370. The

examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James P. Trammell can be reached on 571-273-6712. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/M. L./
Examiner, Art Unit 3694
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